

NOT FOR PUBLICATION

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

LABORERS' LOCAL UNION NOS. 472
& 172, LABORERS' LOCAL UNION
NOS. 472 & 172 WELFARE AND
PENSION FUNDS AND SAFETY,
EDUCATION AND TRAINING FUNDS
and ZAZZALI, FAGELLA, NOWAK,
KLEINBAUM & FRIEDMAN, P.C.,

Petitioners,

v.

TARHEEL ENTERPRISES, INC.,

Respondent.

Civ. No. 19-20624

OPINION

THOMPSON, U.S.D.J.

This matter comes before the Court upon the Motion to Confirm Arbitration Award (ECF No. 2) filed by Petitioners Laborers' Local Union Nos. 472 & 172, Laborers' Local Union Nos. 472 & 172 Welfare and Pension Funds and Safety, Education and Training Funds, and Zazzali, Fagella, Nowak, Kleinbaum & Friedman, P.C. (collectively, "Petitioners"). The Motion is unopposed by Tarheel Enterprises, Inc. ("Respondent"). The Court has decided the Motion after considering Petitioners' written submissions and without holding oral argument pursuant to Rule 78(b) of the Federal Rules of Civil Procedure. For the reasons stated herein, the Motion is granted.

Upon review of Petitioners' submissions, the Court finds that Respondent is bound by a collective bargaining agreement with Petitioner Laborers' Local Union Nos. 472 & 172 Welfare and Pension Funds and Safety, Education and Training Funds. (Pet. ¶ 2, ECF No. 1.) The

agreement provides for the submission to arbitration of any controversies concerning delinquent payments to Petitioner Laborers' Local Union Nos. 472 & 172 Welfare and Pension Funds and Safety, Education and Training Funds. (*Id.* ¶ 3.) In accordance with these terms, this dispute was submitted to Arbitrator J.J. Pierson, Esq. ("Arbitrator"). (*Id.* ¶ 5.) Following a hearing held on October 31, 2019, and with proper notice to all parties, the Arbitrator entered an Award in writing dated October 31, 2019. (Arb. Award at 19, Ex. B, ECF No. 1.)¹ The Arbitrator's Award indicates that Respondent was delinquent in making required contributions to Petitioner Laborers' Local Union Nos. 472 & 172 Welfare and Pension Funds and Safety, Education and Training Funds between August 1, 2019 and August 31, 2019. (*Id.* at 16–17.)

This Court must confirm an arbitration award "[i]f the parties in their agreement have agreed that a judgment of the court shall be entered upon the award made pursuant to the arbitration." 9 U.S.C. § 9. Having considered the written submissions of Petitioners in light of Respondent's failure to oppose the Motion, and for good cause shown, this Court grants Petitioners' Motion to Confirm Arbitration Award. An appropriate Order accompanies this Opinion.

Date: January 27, 2020

/s/ Anne E. Thompson
ANNE E. THOMPSON, U.S.D.J.

¹ The page numbers to which the Court refers in its citation to the Arbitration Award are the CM/ECF page numbers.